

# More Time To Comply

WAC 296-900-160

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### YOUR RESPONSIBILITY:

- To submit timely requests when more time is needed to correct violations
- To post requests for more time for employees

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# More Time To Comply

WAC 296-900-160

## Rule

WAC 296-900-16005

### Requesting more time to comply

#### **IMPORTANT:**

Employers can request more time to correct violations if they:

- Have made a good faith effort to correct the violation.
- Haven't corrected the violation because of factors beyond their control.

#### **You must**

- Submit any requests for more time to correct violations in writing. Requests must be received or postmarked before midnight of the correction date shown on the citation and notice (C&N) or corrective notice of redetermination (CNR), and include:
  - The business name.
  - The address of the workplaces.
  - The citation and the correction dates to be extended.
  - The new correction date and length of correction period being requested.
  - A description of the actions that have been, and are being, taken to meet the correction dates in the C&N or CNR.
  - Factors preventing correction of violations by the date required.
  - The means that will be used to protect employees while the violation is being corrected.
  - Certification that the request for correction date extension has been posted, and if appropriate, certification that a copy was delivered to affected employees or their representatives.
  - Employer's signature or the signature of the employer's representative.
  - Date.

**-Continued-**

# More Time To Comply

WAC 296-900-160

## Rule

WAC 296-900-16005

### Requesting more time to comply (continued)

- Submit requests by one of the following methods:
  - First class mail, postage prepaid to any L&I office.
  - Take to any L&I office.
  - Fax to the number shown in the C&N.



#### Reference:

For a list of the local offices, see the resources section of the Safety and Health Core Rules, Chapter 296-800 WAC.

### What to expect from WISHA:

- WISHA **may**:
  - Accept late requests if they are both:  
Received within 5 days following the related correction date;  
**and**  
Accompanied by your written statement explaining the exceptional circumstances that caused the delay.



#### Note:

WISHA doesn't accept late requests when compliance activity has already started.

- WISHA **may**:
  - Respond to telephone requests or personal conversations asking for more time to comply if timely, and followed up in writing within 24 hours.
  - Conduct an investigation before making a decision whether to grant a request for more time.
- WISHA **will**:
  - Make a decision whether or not to grant the employer more time. Once made, the decision remains in effect unless an employee or employee representative requests a hearing.
  - Keep the original correction date in effect unless a notice granting more time is sent.





# More Time To Comply

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## Rule

WAC 296-900-16010

### Post WISHA's response to requests for more time

#### You must

- Post notices from WISHA approving additional time to correct citations, with the related citation, immediately upon receipt.
- Keep the notices posted until one of the following occur:
  - The correction date has passed.
  - A hearing notice is requested and posted.

WAC 96-900-16015

### Correction date hearing requests

#### IMPORTANT:

- Affected employees or their designated representatives may request a hearing if they disagree with WISHA's decision to grant an employer more time to correct a violation.
- Employers may request a hearing if WISHA denies their request for more time to correct a violation.

#### You, your employees, or their representatives must:

- Send requests for hearings, if desired, in writing no later than 10 calendar days after the issue date of the notice granting more time to correct a violation to:
  - Mail to:  
Assistant Director for WISHA Services  
Attn: WISHA Appeals  
P.O. Box 44604  
Olympia, WA 98504-4604
  - Fax to: 360-902-5581
  - Take to any department service location.



#### Reference:

For a list of the local offices, see the Resources section of the Safety and Health Core Rules, chapter 296-800 WAC.

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## Rule

WAC 296-900-16020

### Post WISHA's violation correction hearing notice

#### You must

- Post WISHA's hearing notice or a complete copy until the hearing is held, along with the:
  - Citation containing the correction date for which more time was requested.
  - Department notices issued in response to the employer's request for more time.

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## Rule

WAC 296-900-16025

### Violation correction hearing procedures

#### What to expect from WISHA:

- After receiving a hearing request, the assistant director for WISHA services will appoint someone from WISHA to act as a hearings officer.
- The hearings officer:
  - Will send a hearing notice to the employer and employee at least 20 days before the hearing date that includes all of the following:
    - A statement that all interested parties can participate in the hearing.
    - The time, date, and place of the hearing.
    - A short and clear explanation why a hearing was requested.
    - The nature of the proceeding, including the specific sections of the statute or rule involved.
    - The legal authority and jurisdiction under which the hearing will be held.
  - May discuss the material to be presented to determine how the hearing will proceed.
- An assistant attorney general may be present at the hearing to give legal advice to the hearings officer.
- The hearing will be conducted by either:
  - The hearings officer;
  - or**
  - The assistant attorney general, if requested by the hearings officer.
- After the hearing, WISHA will issue an order that either affirms or modifies the correction date that caused the hearing.

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WAC 296-900-160

## Rule

WAC 296-900-16030

### **Post the violation correction hearing decision**

#### **You must**

- Post a complete, unedited copy of the order affirming or modifying the correction date as soon as it's received, along with the applicable citation.

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To Comply



# Notes

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